

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE: **LUIS ANGEL POGGI FUENTES**  
SSN xxx-xx-7621  
**MIGDALIA MILIAN SANTIAGO**  
SSN xxx-xx-3400

Debtor(s)

CASE NO: **18-05636-MCF**

**Chapter 13**

**STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION**

Petition Filing Date: **09/28/2018**

First Meeting Date: **11/07/2018 at 9:00AM**

Days From Petition Date: **40**

341 Meeting Date: **11/07/2018 at 9:00AM**

910 Days Before Petition: **04/01/2016**

Confirmation Hearing Date: **12/07/2018 at 1:30PM**

Chapter 13 Plan Date: **10/16/2018** ☐ Amended

Plan Base: **\$110,180.00** Plan Docket # **11**

This is Debtor(s) 1 Bankruptcy petition.

This is the 1 scheduled meeting.

Payment(s) ☒ Received or ☐ Evidence shown at meeting:

Total Paid In: **\$173.00**

Check/MO# \_\_\_\_\_

Date: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

\*APPEARANCES: ☐ Telephone ☐ Video Conference

Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

Joint Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

☒ Examined ☐ Not Examined under Oath

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Attorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): \_\_\_\_\_

☐ Pro-se

☒ Creditor(s) Present ☐ None

VERAY - BPPR COMMERCIAL\*

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO\***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$1,000.00** Outstanding (Through the Plan): **\$2,000.00**

\*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)  
Projected Disposable Income: **\$ 0.00**

☐ The Trustee cannot determine debtor's/s' commitment period at this time.

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$1,892,197.

The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: 0 %

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☒ CLOSED ☐ HELD OPEN FOR \_\_\_\_ DAYS

§341 Meeting Rescheduled for: \_\_\_\_\_

Comments:

\*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1325(a)(4)] Plan fails Creditors Best Interest Test.

The plan fails to provide for an 100+4.25% treatment for the unsecured creditors that timely file their claims.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Creditors Best Interest Test. [1325(a)(4)]

The minimum base needed totals approximately \$200,000.00.

\*OTHER COMMENTS / OBJECTIONS

Debtor has failed to disclose source of income listed in the Schedule I (\$243.33).

Banco Popular, secured creditor provided for in the plan, is yet to file its proof of claim. Said creditor will not participate from the disbursements until it files its claim. In absence of such claim Debtor must submit evidence of the secured status of said creditor in order to confirm that the treatment being provided does not constitute unfair discrimination against other parties in the case.

Debtor's paid BPPR (credit card) close to \$11,000.00 during the 3 months prior to the filing of the case. The case, however, is an 100+4.25% case.

The Trustee hereby objects the 60 month term for the lump sum payment. The Trustee will accept a 40 month term.

BPPR stated that a secured claim will be filed in the amount of \$188,391.93.

/s/ Jose R. Carrion, Esq. Meeting Date: Nov 07, 2018  
Trustee

/s/ Nannette Godreau, Esq., Presiding Officer